

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 30, 2008

DIVISION ONE

B194999 REX Lubrificates LTDA et al. (Not for Publication)
 v.
 Wynn Oil Company

The judgment is affirmed.

Mallano, P.J.

We concur: Rothschild, J.
 Neidorf, J. (Assigned)

B195855 Solorzano (Not for Publication)
 v.
 Imperial Toy Corporation

The judgment is reversed. The order denying defendants' motion for attorney fees is vacated. Plaintiff is entitled to costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Neidorf, J. (Assigned)

June 30, 2008 (Continued)

DIVISION ONE (continued)

B205291 People (Not for Publication)

V.

Perez

The judgment is affirmed.

Mallano, P.J.

We concur: Vogel (Miriam A.), J.
Neidorf, J. (Assigned)

B203283 People (Not for Publication)

V.

Alejandro G.

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Vogel (Miriam A.), Acting P.J.
Rothschild, J.

B204266 Los Angeles County, D.C.F.S. (Not for Publication)

V.

Meta M.

The order is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Vogel (Miriam A.), J.

June 30, 2008 (Continued)

DIVISION ONE (continued)

B203186 People (Not for Publication)

V.

Gonzalez

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

B197050 Horn (Not for Publication)

V.

Gamestop, Inc.

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

B201622 People (Not for Publication)

V.

Fredy F.

The dispositional order is modified to reflect that appellant was placed home on probation under supervision of the probation department and to delete the maximum term of confinement and, as modified, is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

DIVISION ONE (continued)

B199275 People (Not for Publication)

V.
J.F.

The dispositional order is modified to award appellant 42 days of custody credit and, as modified, is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B197785 People (Not for Publication)

V.
Melchor Juarez

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B200893 Kimberly Kempton (Not for Publication)

V.
Michele R. Clark

The judgment is affirmed.

Neidorf, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

June 30, 2008 (Continued)

DIVISION ONE (continued)

B199714 People (Not for Publication)

V.

Demetrie Lloyd Taylor

The judgment is affirmed.

Mallano, P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

B203161 People (Not for Publication)

V.

Marquise Desautellee Williams

The judgment is affirmed.

Mallano, P.J.

We concur: Vogel (Miriam A.), J.
Rothschild, J.

DIVISION THREE

B205751 People (Not for Publication)

V.

Christopher Edward Price

The matter is remanded to the trial court for correction of the number of days of presentence custody credit awarded to Price. A certified copy of a corrected abstract of judgment is then to be sent to the Department of Corrections. In all other respects, the judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION THREE (continued)

B194689 People (Not for Publication)

V.

Thaddeus Fuller

The judgment is affirmed. The petition for writ of habeas corpus (B202656) is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B197621 People (Not for Publication)

V.

Barron et al.

The judgments are affirmed.

Willhite, J.

We concur: Epstein, P.J.
Manella, J.

B206345 Kamua D. (Not for Publication)

V.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

The order to show cause is discharged and the petition denied. The order staying the section 366.26 hearing is vacated.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (continued)

B202586 Los Angeles County, D.C.S. (Not for Publication)

v.

Daniel M.

The order terminating parental rights is reversed and the case is remanded to the juvenile court with directions to inquire of mother whether Dylan is or may be an Indian child. (See Cal. Rules of Court, rule 5.481(a).) If the inquiry produces evidence that Dylan is or may be an Indian child, then the juvenile court shall direct the Department to give notice of the underlying proceedings and any upcoming hearings in compliance with the ICWA to the Bureau of Indian Affairs and any identified tribes. If, after proper notice, a tribe asserts its right under the ICWA to intervene in the state court, or to obtain jurisdiction over the proceedings by transfer to the tribal court, the cause shall proceed in accordance with the tribe's election. If the inquiry produces no evidence that Dylan is or may be an Indian child, or if there is no intervention or assertion of jurisdiction by any tribe after proper notice, then the juvenile court's orders shall be reinstated. (See *In re Francisco W.* (2006) 139 Cal.App.4th 695.)

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B203574 People (Not for Publication)

v.

Ruiz

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FOUR (continued)

B199209 People (Not for Publication)

V.

Bodian

The judgment of conviction is affirmed.

Epstein, P.J.

We concur: Willhite, J.

Manella, J.

B199584 Randy C. (Not for Publication)

V.

Jonathan A.

The order of May 2007 approving a contact after adoption agreement is reversed. Randy is to have his costs on appeal.

Epstein, P.J.

We concur: Willhite, J.

Manella, J.

B207323 Bobbie S. (Not for Publication)

V.

Superior Court, Los Angeles County
(DCFS, r.p.i.)

The petition is summarily denied.

Epstein, P.J.

We concur: Willhite, J.

Manella, J.

June 30, 2008 (Continued)

DIVISION FOUR (continued)

B201964 People (Not for Publication)

V.
Smith

The judgment of conviction is affirmed.

Epstein, P.J.

We concur: Willhite, J.
Manella, J.

B190562 West Side Health Care District
v.
Hooper, Lundy & Bookman et al.

Filed order denying petition for rehearing.

DIVISION SIX

B198572 People (Certified for Partial Publication)

V.
Wycoff

The judgment is conditionally reversed. The cause is remanded to the trial court with directions to hold a new hearing on Wycoff's *Pitchess* motion in conformance with the procedures described in this opinion. If the trial court finds there are discoverable records, they shall be produced and the court shall conduct such further proceedings as are necessary and appropriate. If the court finds there are no discoverable records, or that there is discoverable information but Wycoff cannot establish that he was prejudiced by the denial of discovery, the judgment shall be reinstated as of that date.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

June 30, 2008 (Continued)

DIVISION SIX (continued)

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B200908 People v. Johnson (Not for Publication)

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B204535 People v. Guevara (Not for Publication)

The order is reversed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

DIVISION SEVEN

B191329 Zabrucky et al. (Not for Publication)

v.

McAdams et al.

The judgment is affirmed. Respondent(s) to recover costs.

Woods, J.

We concur: Perluss, P.J.

 Zelon, J.

B199193 Rodgers et al. (Not for Publication)

v.

Davidon Homes

The order denying the petition to compel arbitration is reversed. The matter is remanded to the trial court with directions to enter a new and different order granting the petition to compel arbitration and for further proceedings not inconsistent with this opinion. Davidon Homes is to recover its costs on appeal.

Perluss, P.J.

We concur: Woods, J.

 Zelon, J.

DIVISION EIGHT

B196023 In re Danelle D. et al., Persons Coming Under the Juvenile Court Law

Los Angeles County, D.C.F.S. (Not for Publication)

v.

Danelle D. et al.

The appeal filed on January 4, 2007 is dismissed.

Cooper, P.J.

We concur: Rubin, J.

June 30, 2008 (Continued)

Flier, J.

DIVISION EIGHT (continued)

B199196 Joanne Stathoulis et al., (Certified for Publication)
 v.
 City of Montebello

The judgment is reversed. Stasthoulis is entitled to costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.

B201273 People (Not for Publication)
 v.
 Christopher Malray

The judgment is affirmed.

Egerton, J. (Assigned)

We concur: Cooper, P.J.
 Flier, J.

B203599 People (Not for Publication)
 v.
 Richard Cowart

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
 Rubin, J.

DIVISION EIGHT (continued)

B198721 People (Not for Publication)

v.
Martin De La Cruz

The judgment is affirmed.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B197233 Taek KI Hwang et al., (Not for Publication)

V.
Dae-Choon Kim

The judgment is affirmed. Respondent is to recover his costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Rubin, J.

B195804 James St. Julian (Not for Publication)

v.
Jewish Family Service of Los Angeles
Estate of William Pitts, Deceased.

The judgment is affirmed. The order (judgment) is affirmed. Respondent is to recover its costs on appeal.

Flier, J.

We concur: Cooper, P.J.
Bigelow, J.

DIVISION EIGHT (continued)

B181180 Sheila Stone

v.

Center Trust Retail Properties, Inc.,

Filed order denying petition for rehearing.

B186036 Densmore

v.

Manzarek et al.,

Filed order denying petition for rehearing.